

Introduced by Senator Corbett

February 22, 2007

An act to add Section 17510.25 to the Business and Professions Code, relating to charitable solicitations.

LEGISLATIVE COUNSEL'S DIGEST

SB 582, as amended, Corbett. Charitable solicitations.

Existing law requires certain disclosures to be made prior to a solicitation or sales solicitation for charitable purposes.

This bill would authorize a charity, *as defined*, notwithstanding any city or county ordinance or resolution, to engage in a solicitation for charitable purposes ~~on or near a public street, sidewalk, or other public way that involves persons standing in a public roadway soliciting contributions from passing motorists~~, if the persons to be ~~engaging~~ engaged in the solicitation are ~~either employees or volunteers of the charity specified law enforcement personnel, firefighters, or other persons employed to protect the public safety of a local agency, as defined, and if, within a specified period of time not later than 10 calendar days before the proposed solicitation is to begin, the charity files an application, containing specified information, with the local agency city, county, or city and county having jurisdiction over the location or locations where the solicitation is to occur. The bill would also authorize the local agency to require the charity to provide proof of a valid policy of liability insurance, as specified. The bill would require the city, county, or city and county to approve the application within 5 calendar days of the filing date of the application, but would authorize the city, county, or city and county to impose reasonable~~

conditions in writing that are consistent with the intent of these provisions and that are based on articulated public safety concerns.

By imposing new duties on local agencies, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 17510.25 is added to the Business and
2 Professions Code, to read:

3 17510.25. (a) Notwithstanding any city or county ordinance
4 or resolution, a charity, *as defined in subdivision (e)*, may engage
5 in a solicitation for charitable purposes ~~on or near a public street,~~
6 ~~sidewalk, or other public way that involves persons standing in a~~
7 *public roadway soliciting contributions from passing motorists,*
8 if both of the following requirements are met:

9 (1) The persons to be engaged in the solicitation are ~~either~~
10 ~~employees or volunteers of the charity~~ *law enforcement personnel,*
11 *firefighters, or other persons employed to protect the public safety*
12 *of a local agency, as defined in subdivision (d), and that are*
13 *soliciting solely in an area that is within the service area of that*
14 *local agency.*

15 (2) The charity files an application with the ~~local agency~~ *city,*
16 *county, or city and county, as applicable,* having jurisdiction over
17 the location or locations where the solicitation is to occur. The
18 application shall be filed not later than ~~seven~~ *10 calendar* days
19 before the date that the solicitation is to begin and shall include
20 ~~both~~ *all* of the following:

21 (A) The date or dates and times of day when the solicitation is
22 to occur.

23 (B) The location or locations where the solicitation is to occur.

1 ~~(b) The local agency may require the charity to provide, before~~
2 ~~engaging in the solicitation identified in subdivision (a), proof of~~
3 ~~liability insurance~~

4 *(C) The manner and conditions under which the solicitation is*
5 *to occur.*

6 *(D) Proof of a valid liability insurance policy in the amount of*
7 *at least one million dollars (\$1,000,000) insuring both the charity*
8 *and the local agency the charity, the local agency referenced in*
9 *paragraph (1), and the city, county, or city and county referenced*
10 *in this paragraph against bodily injury and property damage arising*
11 *out of or in connection with the solicitation.*

12 *(b) The city, county, or city and county shall approve the*
13 *application within five calendar days of the filing date of the*
14 *application, but may impose reasonable conditions in writing that*
15 *are consistent with the intent of this section and that are based on*
16 *articulated public safety concerns.*

17 *(c) By acting under this section, a local agency does referred*
18 *to in paragraph (1) of subdivision (a) and a city, county, or city*
19 *and county referred to in paragraph (2) of subdivision (a) do not*
20 *waive or limit any immunity from liability provided by any other*
21 *provision of law.*

22 *(d) For purposes of this section, “local agency” means a city,*
23 *county, city and county, special district, joint powers authority, or*
24 *other political subdivision of the state.*

25 *(e) For purposes of this section, “charity” means a charity*
26 *subject to supervision by the Attorney General pursuant to Article*
27 *7 (commencing with Section 12580) of Chapter 6 of Part 2 of*
28 *Division 3 of Title 2 of the Government Code.*

29 *(f) The Legislature finds and declares that the extraordinary*
30 *liability insurance requirement contained in this section is*
31 *necessary in order to protect the public safety due solely to the*
32 *particular and unique circumstances governed by this section that*
33 *involve charitable solicitations from passing motorists in a public*
34 *roadway, where the activity of solicitation may present a*
35 *recognizable potential safety hazard.*

36 SEC. 2. If the Commission on State Mandates determines that
37 this act contains costs mandated by the state, reimbursement to
38 local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

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